

NOW AND THEN: SECTION BY SECTION INDEX OF THE PROPOSED CONFORMITY AMENDMENTS

NOVEMBER 1993 RULEMAKING			JULY 1996 NPRM		SUMMARY OF CHANGES
Section number	Title		Section number	Title	
51.390 - 51.464	Subpart T (multiple headings)			Subpart T (all previous sections removed -- this section refers to requirements in section 93)	
51.396	Implementation plan revision.		51.390	Implementation plan revision.	Cross reference adjusted.
51.390	93.100	Purpose.	93.100	Purpose.	
51.392	93.101	Definitions.	93.101	Definitions.	New definitions: "Clean data," "Maintenance plan" Some definitions deleted or modified.
51.394	93.102	Applicability.	93.102	Applicability.	Streamlined, clarified.
51.398	93.103	Priority.	93.103	Priority.	(no change)
51.400	93.104	Frequency of conformity determinations.	93.104	Frequency of conformity determinations.	Streamlined, clarified.

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Section number		Title	Section number	Title	
51.402	93.105	Consultation.	93.105	Consultation.	Would specifically require agencies making conformity determinations to provide reasonable public access to technical and policy information at the beginning of the public comment period.
51.404	93.106	Content of transportation plans.	93.106	Content of transportation plans.	Changed to match the modeling section: applies to metropolitan planning areas with an urbanized area population over 200,000.
51.406	93.107	Relationship of transportation plan and TIP conformity with the NEPA process.	93.107	Relationship of transportation plan and TIP conformity with the NEPA process.	(no change)
51.408	93.108	Fiscal constraints for transportation plans and TIPs.	93.108	Fiscal constraints for transportation plans and TIPs.	(no change)

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Section number		Title	Section number	Title	
51.410	93.109	Criteria and procedures for determining conformity of transportation plans, programs, and projects: General.	93.109	Criteria and procedures for determining conformity of transportation plans, programs, and projects: General.	Reworked to eliminate references to Phase II, transitional, control strategy periods. Explains when various tests are required, including when budget test replaces build/no-build and EPA's review period. Organized by pollutant and classification. Includes rural area requirements from old 51.452(d). Would provide additional flexibility for areas without motor vehicle emissions budgets, especially in rural nonattainment areas and "clean data" areas.
51.412	93.110	Criteria and procedures: Latest planning assumptions.	93.110	Criteria and procedures: Latest planning assumptions.	Clarified.
51.414	93.111	Criteria and procedures: Latest emissions model.	93.111	Criteria and procedures: Latest emissions model.	Clarified.
51.416	93.112	Criteria and procedures: Consultation.	93.112	Criteria and procedures: Consultation.	Clarified so that public consultation requirements apply during the period before the conformity SIP is approved.
51.418	93.113	Criteria and procedures: Timely implementation of TCMs.	93.113	Criteria and procedures: Timely implementation of TCMs.	Clarified.

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Section number		Title	Section number	Title	
51.420	93.114	Criteria and procedures: Currently conforming transportation plan and TIP.	93.114	Criteria and procedures: Currently conforming transportation plan and TIP.	Streamlined.
51.422	93.115	Criteria and procedures: Projects from a plan and TIP.	93.115	Criteria and procedures: Projects from a plan and TIP.	Clarified/simplified.
51.424	93.116	Criteria and procedures: Localized CO and PM ₁₀ violations (hot spots).	93.116	Criteria and procedures: Localized CO and PM ₁₀ violations (hot spots).	Old 51.434 incorporated in this section.
51.426	93.117	Criteria and procedures: Compliance with PM ₁₀ control measures.	93.117	Criteria and procedures: Compliance with PM ₁₀ control measures.	Would require the conformity determination to include a written commitment to include SIP PM ₁₀ control measures in the project's plans, specifications, and estimates.

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Section number		Title	Section number	Title	
51.428	93.118	Criteria and procedures: Motor vehicle emission budget (transportation plan).	93.118	Criteria and procedures: Motor vehicle emission budget.	Section streamlined, clarified. New paragraph clarifies when submitted budgets must be used.
51.430	93.119	Criteria and procedures: Motor vehicle emissions budget (TIP).			
51.432	93.120	Criteria and procedures: Motor vehicle emissions budget (project not from a plan and TIP).			
51.434	93.121	Criteria and procedures: Localized CO violations (hot spots) in the interim period.	--	--	(incorporated in §93.116)

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Section number		Title	Section number	Title	
51.436	93.122	Criteria and procedures: Interim period reductions in ozone and CO areas (transportation plan).	93.119	Criteria and procedures: Emission reduction in areas without motor vehicle emissions budgets.	Streamlined. Includes all emission reduction tests (build/no-build and 1990 tests) for ozone, CO, NO ₂ , and PM ₁₀ areas and for plans, TIPs, and projects not from a conforming plan and TIP.
51.438	93.123	Criteria and procedures: Interim period reductions in ozone and CO areas (TIP).			
51.440	93.124	Criteria and procedures: Interim period reductions in ozone and CO areas (project not from a plan and TIP).			
51.442	93.125	Criteria and procedures: Interim period reduction for PM ₁₀ and NO ₂ areas (transportation plan).			
51.444	93.126	Criteria and procedures: Interim period reduction for PM ₁₀ and NO ₂ areas (TIP).			
51.446	93.127	Criteria and procedures: Interim period reduction for PM ₁₀ and NO ₂ areas (project not from a plan and TIP).			

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Section number		Title	Section number	Title	
51.448	93.128	Transition from the interim period to the control strategy period.	93.120	Consequences of control strategy implementation plan failures.	Streamlined and restructured. Some paragraphs deleted, including requirement for consultation with state air agency on SOV capacity projects before the transitional period. Some paragraphs relocated to frequency and budget test sections. Beginning 120 days after EPA disapproves a control strategy SIP without a protective finding, only projects in the first three years of the currently conforming plan and TIP could be found to conform.
51.450	93.129	Requirements for adoption or approval of projects by other recipients of funds designated under title 23 U.S.C. or the Federal Transit Act.	93.121	Requirements for adoption or approval of projects by other recipients of funds designated under title 23 U.S.C. or the Federal Transit Act.	Would allow non-federal projects to proceed during a conformity lapse if they had been included in the regional emissions analysis supporting the most recent conforming plan and TIP. Includes specific language for rural areas from old 51.452 (d).

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Section number		Title	Section number	Title	
51.452	93.130	Procedures for determining regional transportation-related emissions.	93.122	Procedures for determining regional transportation-related emissions.	Clarified; streamlined. Would apply to serious and above ozone and CO areas with urbanized population greater than 200,000. Would allow some projects to be added to the plan and TIP without full regional emissions analysis. Clarifies which measures can be assumed in emissions analyses. Rural area requirements moved to new 93.109 (g) and 93.121.
51.454	93.131	Procedures for determining localized CO and PM ₁₀ concentrations (hot-spot analysis).	93.123	Procedures for determining localized CO and PM ₁₀ concentrations (hot-spot analysis).	Streamlined, more clear that there are opportunities for flexibility in developing CO protocols.
51.456	93.132	Using the motor vehicle emissions budget in the applicable implementation plan (or implementation plan submission).	93.124	Using the motor vehicle emissions budget in the applicable implementation plan (or implementation plan submission).	(no change)
51.458	93.133	Enforceability of design concept and scope and project-level mitigation and control measures.	93.125	Enforceability of design concept and scope and project-level mitigation and control measures.	Clarifies public participation requirements for removal of mitigation measure commitments.

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Section number		Title	Section number	Title	
51.460	93.134	Exempt projects.	93.126	Exempt projects.	Scope of advance land acquisition exemption clarified.
51.462	93.135	Projects exempt from regional emissions analyses.	93.127	Projects exempt from regional emissions analyses.	(no change)
51.464	93.136	Special provisions for nonattainment areas which are not required to demonstrate reasonable further progress and attainment.	--	--	(incorporated in §93.109)